

§ 73.512 Special procedures applicable to Class D noncommercial educational stations.

(a) All Class D stations seeking renewal of license for any term expiring June 1, 1980, or thereafter shall comply with the requirements set forth below and shall simultaneously file an application on FCC Form 340, containing full information regarding such compliance with the provisions set forth below.

(1) To the extent possible, each applicant shall select a commercial FM channel on which it proposes to operate in lieu of the station's present channel. The station may select any commercial channel provided no objectionable interference, as set forth in § 73.509(b), would be caused. The application shall include the same engineering information as is required to change the frequency of an existing station and any other information necessary to establish the fact that objectionable interference would not result. If no commercial channel is available where the station could operate without causing such interference, the application shall set forth the basis upon which this conclusion was reached.

(2) If a commercial channel is unavailable, to the extent possible each applicant should propose operation on Channel 200 (87.9 MHz) unless the station would be within 402 kilometers (250 miles) of the Canadian border or 320 kilometers (199 miles) of the Mexican border or would cause interference to an FM station operating on Channels 201, 202, or 203 or to TV Channel 6, as provided in § 73.509.

(3) If a channel is not available under either paragraph (a) (1) or (2) of this section, the renewal applicant shall study all 20 noncommercial educational FM channels and shall propose operation on the channel which would cause the least preclusion to the establishment of new stations or increases in power by existing stations. Full information regarding the basis for the selection should be provided.

(b) At any time before the requirements of paragraph (a) become effective, any existing Class D station may file a construction permit application on FCC Form 340 to change channel in the manner described above which

shall be subject to the same requirements. In either case, any license granted shall specify that the station's license is for a Class D (secondary) station.

(c) Except in Alaska, no new Class D applications nor major change applications by existing Class D stations are acceptable for filing except by existing Class D stations seeking to change frequency. Upon the grant of such application, the station shall become a Class D (secondary) station.

(d) Class D noncommercial educational (secondary) stations (see § 73.506(a)(2)) will be permitted to continue to operate only so long as no interference (as defined in § 73.509) is caused to any TV or commercial FM broadcast stations. In the event that the Class D (secondary) station would cause interference to a TV or commercial FM broadcast station after that Class D (secondary) station is authorized, the Class D (secondary) station must cease operation when program tests for the TV or commercial FM broadcast station commence. The Class D (secondary) station may apply for a construction permit (see § 73.3533) to change to another frequency or antenna site where it would not cause interference (as defined in § 73.509). If the Class D (secondary) station must cease operation before the construction permit is granted, an application for temporary authorization (pursuant to § 73.3542) to operate with the proposed facilities may be submitted; where appropriate, such temporary authorization can be granted.

[43 FR 39716, Sept. 6, 1978, as amended at 44 FR 48226, Aug. 17, 1979; 47 FR 28388, June 30, 1982; 50 FR 8326, Mar. 1, 1985]

§ 73.513 Noncommercial educational FM stations operating on unserved channels.

Noncommercial educational FM stations other than Class D (secondary) which operate on Channels 221 through 300 but which comply with § 73.503 as to licensing requirements and the nature of the service rendered, must comply with the provisions of the following sections of subpart B: §§ 73.201 through 73.213 (Classification of FM Broadcast Stations and Allocations of Frequencies) and such other sections of

subpart B as are made specially applicable by the provisions of this subpart C. Stations in Alaska authorized before August 11, 1982, using Channels 261–300 need not meet the minimum effective radiated power requirement specified in § 73.211(a). In all other respects, stations operating on Channels 221 through 300 are to be governed by the provisions of this subpart and not subpart B.

[47 FR 30068, July 12, 1982]

§ 73.525 TV Channel 6 protection.

The provisions of this section apply to all applications for construction permits for new or modified facilities for a NCE-FM station on Channels 200–220 unless the application is accompanied by a written agreement between the NCE-FM applicant and each affected TV Channel 6 broadcast station concurring with the proposed NCE-FM facilities.

(a) Affected TV Channel 6 Station.

(1) An affected TV Channel 6 station is a TV broadcast station which is authorized to operate on Channel 6 that is located within the following distances of a NCE-FM station operating on Channels 201–220:

TABLE A

NCE-FM channel	Distance (kilometers)	NCE-FM channel	Distance (kilometers)
201	265	211	196
202	257	212	195
203	246	213	193
204	235	214	187
205	225	215	180
206	211	216	177
207	196	217	174
208	196	218	166
209	196	219	159
210	196	220	154

(2) Where a NCE-FM application has been accepted for filing or granted, the subsequent acceptance of an application filed by a relevant TV Channel 6 station will not require revision of the pending NCE-FM application or the FM station's authorized facilities, unless the provisions of paragraph (e)(3) of this section for TV translator or satellite stations apply.

(b) Existing NCE-FM Stations. (1) A NCE-FM station license authorized to operate on channels 201–220 as of December 31, 1984, or a permittee, granted

a construction permit for a NCE-FM station as of December 31, 1984, are not subject to this section unless they propose either:

(i) To make changes in operating facilities or location which will increase predicted interference as calculated under paragraph (e) of this section to TV Channel 6 reception in any direction; or,

(ii) To increase its ratio of vertically polarized to horizontally polarized transmissions.

(2) Applicants must comply with the provision of paragraphs (c) or (d) of this section unless the application for modification demonstrates that, for each person predicted to receive new interference as a result of the change, existing predicted interference to two persons will be eliminated. Persons predicted to receive new interference are those located outside the area predicted to receive interference from the station's currently authorized facilities ("existing predicted interference area") but within the area predicted to receive interference from the proposed facilities ("proposed predicted interference area"). Persons for whom predicted interference will be eliminated are those located within the existing predicted interference area and outside the proposed predicted interference area.

(i) In making this calculation, the provisions contained at paragraph (e) will be used except as modified by paragraph (b)(3) of this section.

(ii) The following adjustment to the population calculation may be made: up to 1,000 persons may be subtracted from the population predicted to receive new interference if, for each person subtracted, the applicant effectively installs two filters within 90 days after commencing program tests with the proposed facilities and, no later than 45 days thereafter, provides the affected TV Channel 6 station (as defined in paragraph (a) of this section) with a certification containing sufficient information to permit verification of such installation. The required number of filters will be installed on television receivers located within the predicted interference area; provided that half of the installations are within